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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,994	04/16/2004	Robert R. Riggsby	A-9512	8721

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SCIENTIFIC-ATLANTA, INC.  
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LAWRENCEVILLE, GA 30044

EXAMINER
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DSOUZA, JOSEPH FRANCIS A

ART UNIT	PAPER NUMBER
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2611

NOTIFICATION DATE	DELIVERY MODE
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05/07/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/825,994	<b>Applicant(s)</b> RIGGSBY ET AL.	
	<b>Examiner</b> Adolf DSouza	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 - 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/11/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 14, the phrases "cable shaped, a frown and a smile " renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by " cable shaped, a frown and a smile "), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 5, 7, 8, 10 – 12, 14 – 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Goyette (US 6,433,642).

Regarding claim 1, Goyette discloses a device for equalizing and amplifying an input signal (Fig. 1; Abstract), comprising:

a first amplifier stage for receiving the input signal having an input power level and for amplifying the input signal (Fig. 1, element 12; column 1, lines 25 – 46; column 2, lines 39 – 47; column 5, lines 10 - 21);

an equalizer coupled to the first amplifier stage for equalizing the amplified input signal (Fig. 1, element 16; column 1, lines 25 – 46; column 2, lines 39 – 47; column 5, lines 10 - 21);

and a second amplifier stage coupled to the equalizer for further amplifying the input signal to provide an amplified output signal (Fig. 1, element 14; column 1, lines 25 – 46; column 2, lines 39 – 47; column 5, lines 10 - 21);

wherein the positioning of the equalizer between the first and second amplifier stages maintains a low level of noise and improved distortion levels (Abstract, last 2 lines; column 1, lines 25 - 27).

Regarding claim 4, Goyette discloses the first and second amplifier stages and the equalizer are packaged in an integrated circuit, or wherein the first amplifier stage, the second amplifier stage, and the equalizer are packaged as integrated circuits (column 1, lines 43 - 46).

Regarding claim 5, Goyette discloses the equalizer is a single-ended device (Figs. 1 & 2, element 16).

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Regarding claim 7, Goyette discloses the device is located within a transmitting device (column 1, lines 18 – 27; column 2, lines 9 - 25).

Regarding claim 8, Goyette discloses the device is located within a receiving device (column 1, lines 18 – 27; column 2, lines 9 - 25).

Regarding claim 10, Goyette discloses the equalizer has a set of tunable value components (column 3, line 49 – column 4, line 9).

Claim 11 is similarly analyzed as claims 1 and 7.

Claim 12, 13 are similarly analyzed as claims 2 and 3 respectively.

Regarding claim 14 Goyette discloses the equalizer provides the output signal having a frequency response that is one of tilted up, tilted down, cable shaped, linear shaped, a combination of cable and linear shaped, a frown, and a smile (column 3, line 49 – column 4, line 9; wherein the various shapes of the frequency response is interpreted as being provided by the equalizer that provides the desired linearity and noise).

Claim 15 is similarly analyzed as claims 1 and 8.

Claim 16, 17 are similarly analyzed as claims 2 and 3 respectively.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goyette (US 6,433,642) in view of Schemmann et al. (US 6,788,169).

Regarding claim 2, Goyette does not disclose noise levels are improved over having the equalizer subsequent to the amplifier stages.

In the same field of endeavor, however, Schemmann discloses a comparison between the noise level of the device are improved over the noise level of a device having an equalizer positioned prior to amplifier stages (Fig. 2; column 4, line 44 – column 5, line 28, in particular column 5, line 24; wherein the noise levels are improved by the phase shifter between the amplifiers which provides a phase shift to cancel out the noise and distortions. If the amplifiers were adjacent, there would be not phase shift to cancel out the distortions and noise due to them).

Therefore it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use the method, as taught by Schemmann, in the system of Goyette because this would reduce the noise, as disclosed by Schemmann.

Regarding claim 3, Goyette does not disclose distortion levels are improved over having the equalizer subsequent to the amplifier stages.

In the same field of endeavor, however, Schemmann discloses a comparison between the distortion levels of the device are improved over distortion levels of a device having an equalizer positioned subsequent to amplifier stages (Fig. 2; column 4, line 44 – column 5, line 28; wherein the distortion levels are improved by the phase shifter between the amplifiers which provides a phase shift to cancel out the distortions. If the amplifiers were adjacent, there would be not phase shit to cancel out the distortions).

Therefore it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use the method, as taught by Schemmann, in the system of Goyette because this would reduce the distortion, as disclosed by Schemmann.

Regarding claim 9, Goyette does not disclose the equalizer has a set of fixed value components.

In the same field of endeavor, however, Schemmann discloses the equalizer has a set of fixed value components (column 5, lines 28 – 39; wherein the equalize components are fixed to obtain the phases described).

Therefore it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use the method, as taught by Schemmann, in the system of Goyette because having a fixed equalizer would simplify the hardware, as is well known on the art.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goyette (US 6,433,642) in view of Jacoby (US 4,266,204).

Regarding claim 6, Goyette does not disclose the equalizer is a differential device.

In the same field of endeavor, however, Jacoby discloses the equalizer is a differential device (Fig. 1, element 14 which has differential inputs; Abstract; column 2, lines 60 – 67).

Therefore it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use the method, as taught by Jacoby, in the system of Goyette because this would allow the advantages of differential signals to be taken advantage of, as is well known in the art.

#### ***Other Prior Art Cited***

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

The following patents are cited to further show the state of the art with respect to equalization / amplification:

Pond (US 3,938,056) discloses Method and apparatus for enhancing the output from a traveling wave tube.



Ross (US 5,280,346) discloses an equalizing amplifier.

Daughtry et al. (US 6,160,452) discloses circuits and methods for a monitoring circuit in a network amplifier.

Yuen et al. (US 6,188,279) discloses a low cost miniature broadband linearizer.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adolf DSouza whose telephone number is 571-272-1043. The examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Payne can be reached on 571-272-3024. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Adolf DSouza  
Examiner  
Art Unit 2611

  
AD

  
DAVID C. PAYNE  
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